Supreme Court, U.S.
FILED
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No.

IN THE
Supreme Court of the United States

GUSSIE MINUS,

Petitioner,

VS.

DAK AMERICAS LLC,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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Questions:

Question that Plaintiff brings before the Court, that the pre-trial violations did indeed occur. These pre-trial violations prevent the plaintiff from fairly presenting his case in the lower court, that the pre-trial violation were committed by both the lower court and the defendant DAK Americas LLC. The Equal Employment Opportunity Commission and the South Carolina Human Affairs Commission after investigation gave the plaintiff the "Right to Sue", this right to sue gave the plaintiff the privilege to sue for pain, suffering, damages as related to wrongful termination, violations of both local and federal work practices, under Title VII of the Civil Rights Act of 1964 (Title VII) a fair and speedy trial. The Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, age or national origin and the defendant and the lower Court failed to provide the plaintiff with documents as requested during the discovery phase of the trial which caused harm to the plaintiff's case, when the plaintiff failed to receive information pertinent to the case.

In addition the Plaintiff's case was damaged due to the defendant's failure to produce or identify all parent corporations, including grandparents, great grandparents corporation and affiliations or other entities with a direct financial interest in the litigation. Plaintiff did petition for additional parties to be added to the litigation which would have been base on the information obtained during pre-trial discovery. The Civil Rights Act of 1991 provides for monetary damages in cases of intentional employment discrimination by defendants.

The plaintiff's case was damaged when the defendant refused to provide all documents requested by the plaintiff in

relation to the sell and purchase of the Cooper River Site which transferred ownership of the Company to DAK America's LLC which would have included employment records etc, which would have shown a continuance of employment practices (i.e. harassment, intimidation, discrimination based on sex, age and race) which violated both the local, state and federal employment practices, by the parent, grand parents, and great-grandparents corporations.

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- Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits employment discrimination based on race, color, religion, sex, or national origin;
- the Age Discrimination in Employment Act of 1967 (AREA), which protects individuals who are 40 years of age or older;
- the Civil Rights Act of 1991, which provides monetary damages in cases of intentional employment discrimination

OPINIONS BELOW

[X] For cases from federal courts:

The date on which the United States Court of Appeals decide case was August 23, 2005 appears at Appendix 2a to the petition and is:

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[X] is unpublished.

The opinion of the United States District court appears at Appendix 2a to this petition and is:

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[X] is unpublished.

[X] For cases from state courts:

The date on which the United States District Court of Charleston, SC decided case was adopted the report of of Judge Duffy dated March 14, 2005 appears at Appendix 5a to the petition and is:

The date on which the United States District Court of Charleston, SC decided case was December 28, 2004 is:

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[X] is unpublished.

FACTS

The petitioner would elaborate as to certain facts concerning the case:

1. The defendant committed pre-trial violations when they failed to disclose the corporate affiliations and other entities with a direct financial interest in litigation.

2. The defendant was in violation and did commit an error when they failed to release copies of the defendant's financial records, reports, tax records and A4 paperwork in purchase of the Cooper River Site from E.I. Dupont to DAK Americas, LLC.

3. The defendant DAK Americas LLC failed to produce or identify all parent corporations, including grandparents, and great grand parents corporations as requested by the plaintiff.

4. The defendant DAK Americas violated local Rule 4003.7 in relation to punitive damages that a party may obtain information concerning the wealth of a defendant in a claim for punitive damages as the time of discovery or during the scope of discovery.

5. The defendant committed pre-trial violations while the case was in the District Court of Charleston, S. C. pertaining to rules as indicated below:

   A. **Rule 4005** Written interrogatories to a party.

   B. **Rule 4006** Answer to Written Interrogatories by a party where as Plaintiff Move the Court to dismiss an objection and direct that the interrogatory be answered and given to the Plaintiff.

   C. **Rule 4003.5** Discovery of expert testimony, Trial Preparation Material.

   D. **Rule 4002.1** Filing Discovery Material

E. **Rule 4002** Agreement Regarding Discovery or Procedures

F. **Rule 4003.1/4003.3** Discovery

H. **Rule 4009.22** Service of Subpoena

I. **Rule 4009.1** Production of Documents and Things General Provisions

J. **Rule 4009.12** Answer to Requests Upon a Party for Production of Documents and Things

K. **Rule 4009.21** Subpoena Upon a Person not a Party for Production of Documents and things

L. **Rule 4009.26** Subpoena to Produce Documents or Things.

M. **Rule 4009.11** Request upon a party for production of Documents and things

6. Plaintiff was terminated on July 15, 2002. Plaintiff's witness was Senator Robert Ford and on the Judicial Merit Selection Commission, had informed the plaintiff not to sign the form because the "At Will Clause or Statement" was incorrect and illegal because the Bill had previously been defeated in the South Carolina Legislature. In addition, the State Senate President Pro Tem, Senator Glenn McConnell voted with Senator Robert Ford to defeat the Bill and stated that the Bill was not right for South Carolina.

7. The plaintiff did notify the South Carolina Human Affairs Commission and the South Carolina Equal Employment Opportunity Commission that Ms. Patricia Fuller (witness) about the form and how the "At Will Clause or Statement" was illegal. The commission gave the plaintiff the "Notice of the Right to Sue" for wrongful termination on December 18, 2003.

PRE-TRIAL VIOLATIONS

The petitioner would also elaborate as certain facts concerning the case. The defendant DAK Americas, LLC counsel subpoenaed the plaintiff's employer at the time and former employers for documents concerning his employment on September 29, 2004.

Plaintiff also requested information and DAK Americas', LLC counsel did not direct that defendant provide plaintiff with copies of all information taken or received from MAU, Inc. a.k.a. Robert - Bosch Corporation, and the SC Employment Security Commission and Columbia Staffing Inc.

Plaintiff petitioned the District Court for to require the defendant to provide the plaintiff with copies of the documents obtained via subpoena in relation to the above mentioned case. Plaintiff would elaborate that the court failed to grant the subpoenas requested by the plaintiff and again failed to require the defendant to provide the plaintiff copies of information obtained from their subpoenas.

Pre-trial violations did occur when Judge Carr transferred the case to Judge Norton. The plaintiff was not notified prior to this transfer. When the plaintiff discovered what had happened, he motioned the court for information as to why the case was transferred just prior to the case being send before the court. Plaintiff again motioned the court for Judge Carr's papers and other pertinent documents etc in relation to the case. The court committed and error by not returning documents, papers etc when the case was transferred. The court failed the plaintiff when he petitioned the court not to transfer the case to Judge Norton, but Judge Carr did it not noting the plaintiff's objections.

Plaintiff will also elaborate that after the case had been transferred to Judge Norton and the plaintiff did appeal to the United States Court of Appeals in Richmond Virginia for

assistance. Judge Carr made a recommendation for the defendant DAK Americas, LLC.

The plaintiff objected to Judge Carr's recommendation for the defendant to moot all of the plaintiff's motions. The District's Court was in error when Judge Carr's recommendation to moot all of the plaintiff's motions because the court appointed advisor Catrina Murry stated, that Judge Norton would make the final decision or recommendation and not Judge Carr in the case since the case had been transferred from Judge Carr.

ARGUMENTS

The petitioner opted to appeal the case due to pre-trial violations by caused by the defendant's counsel due to pretrial violation by defendant DAK Americas, LLC and Judge Carr in the District Court of Charleston, SC and the defendant DAK Americas LLC counsel such as failure to produce documents. Plaintiff's case was hurt and damaged by these pre-trial violations and errors.

The court failed to respond to plaintiff's full retirement, back pay and benefits and plaintiff is a retiree from the DAK Americas LLC and should receive the financial statement and report. The defendant's counsel requested the plaintiff's tax records for three years and plaintiff's responded within a reasonable time. Plaintiff requested the defendant's tax record, and all financial information that may have or could be reasonably expected to impact this case.

The defendant refused to comply with the plaintiff's requests during the discovery phase of the case even after the plaintiff filed a third motion to compel the defendant to comply. In addition in the district court of the United States District of South Carolina Charleston Division.

As reference in the court's transcript of the motion hearing before Judge Robert Carr on June 25, 2004 on page five. Judge Carr asked the defendant's counsel a question:

Court: I thought you told me (Judge Carr) that these were publically held corporations?
Defendant: My understanding is that DAK Americas is your Honor.
Court: So that means the financial statements the annual reports would be public records. The defendant never provided these documents.
In addition Judge Carr stated on page 5 and 6 of the court transcripts dated June 25, 2004:

Court: would it satisfy your request to start, if he (the defendant's counselor) produced the annual reports presumably for the last three years.
Defendants Counselor (Mr. Coleman): Then you can take those reports and look them over. And if there are more questions that they don't answer that you think you need the information from, you can come back to the court and ask for those questions.
Minus: Yes, sir.
Court: Would that suit you?
Minus: Yes sir.

The defendant was in violation by not providing the documents to the plaintiff.

The plaintiff petitioned the court on several occasions and never received the requested information from the defendant as directed by the court. In addition Judge Carr stated that the plaintiff could come back to court if the plaintiff thought that the requested information was needed or not provided by the defendant. Judge Carr then preceded to moot all of the plaintiff's motions and petitions/appeals for information, etc. This is another error on the court's part,

failure to follow through as reference in the court record.

In addition on page four of the court transcript dated June 25, 2004, the defendant's counselor stated that he would produce both DAK Americas LLC and DAK Parent Company but he did not and plaintiff again appealed to the court for information concerning the financial records, statements, and tax records for the preceding three years for both the parent Company DAK Americas LLC, its grand parents, and great grand parents. In addition the plaintiff petitioned the court to add additional defendants but again Judge Carr mooted all of the plaintiff's motions, this resulted in pre-trial violations .

On page nine of the court transcript dated June 25, 2004, the plaintiff requested the defendant's tax records. Judge Carr's failure to comply to his own statements "I'm not going to make them give you the tax report right now but plaintiff never received them at any time when requested during, prior to or later. Plaintiffs would have been in violation if he failed to provide his records to the defendant as requested. Judge Carr again mooted plaintiff's request on his third and final time when he requested the financial records of DAK America LLC. Which again resulted in a pre-trial violation/error.

DAK Americas LLC committed an error when they violated their own termination policy, the plaintiff wrote a grievance asking for more time when given a new policy, within those new policies and procedures it gave you the right to have an attorney review the new policies and forms that the plaintiff was being requested to sign. DAK Americas failed to respond either verbally or in writing to the plaintiff written grievance. DAK Americas policy itself stated that they would respond in writing in a timely manner.

In addition the plaintiff's supervisor Frank Price violated the company's policy (DAK Americas, LLC) in failing to